

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DEMARCUS COLEMAN,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 2:19-cv-00899-LSC-SGC
)	
CORRECTIONAL OFFICER)	
ZACKERY McLEMORE, et al.,)	
)	
Defendants.)	

ORDER

On November 20, 2019, the defendants filed a special report supported by affidavits and other evidence. (Doc. 23). The plaintiff has filed a motion for discovery, which the undersigned construes as a motion for leave to conduct additional discovery pursuant to Section III.C. of the Order for Special Report. (Doc. 25). The motion seeks access to the plaintiff's medical records for April 15 and 16, 2019, and all body charts for those dates. (*Id.*). The plaintiff declares the documents are necessary to create a genuine dispute regarding his injuries and claims. (*Id.*).

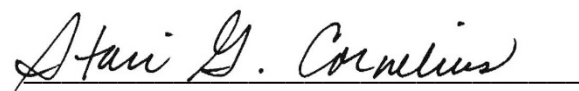
The plaintiff's motion does not identify how many body charts he received on April 15 and 16, 2019, or what, if any, other medical records he seeks. (Doc. 10 at 6). The plaintiff also does not explain why the certified medical records the defendants' produced are "inadequate to provide the information sought." (*Id.*). An independent review of the medical records submitted by the defendants shows the

plaintiff received two body charts on April 15, 2019: one at 11:28 a.m. and a second at 10:00 p.m. (Doc. 23-4 at 3-4). The 11:28 a.m. body chart reports multiple contusions to the plaintiff's forehead, scratches and a contusion behind his left ear, and a small contusion behind his right ear. (*Id.* at 3) ("I opened the door to get my tray and got sprayed and beat with sticks."). The 10:00 p.m. body chart reflects bruising to the plaintiff's right shoulder, right upper arm, forehead, nose, and behind his right ear, as well as a 9-centimeter abrasion on the right side of the plaintiff's forehead. (*Id.* at 4) ("I was beat up by the police. . . I don't know why.").

Although the plaintiff's motion for leave to conduct additional discovery is deficient, the undersigned notes the defendants did not produce any body charts for April 16, 2019. Furthermore, absent from the medical records are any triage, encounter, intervention, or progress reports created by health care professionals concerning the plaintiff's physical and mental condition on April 15 or 16, 2019. Similarly, the medical records do not include any referrals, diagnostic test results, or treatment provided to the plaintiff on these dates. The undersigned finds production of this information is material and relevant to the plaintiff's excessive force and deliberate indifference claims. Accordingly, the plaintiff's motion for leave to conduct additional discovery is **GRANTED**, and the defendants are **ORDERED** to produce within thirty (30) days: (1) all of the plaintiff's body charts completed for April 15 and 16, 2019; and (2) all medical records for April 15 and 16, 2019.

The Clerk is DIRECTED to send the parties a copy of this order.

DONE this 3rd day of January, 2020.


STACI G. CORNELIUS
U.S. MAGISTRATE JUDGE